Executive Summary – Enforcement Matter – Case No. 42142 Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners RN101055317

Docket No. 2011-1285-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - IHW, DCL

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Enterprise Cleaners, 2201 West Main Street, League City, Galveston County

Type of Operation:

Dry cleaning facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 8, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$103,250

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$91,550

Total Paid to General Revenue: \$325 Total Due to General Revenue: \$11,375

Payment Plan: 35 payments of \$325 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average by Default

Major Source: No

Statutory Limit Adjustment: \$2,502

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42142 Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners RN101055317 Docket No. 2011-1285-MLM-E

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: May 9, 2011

Date(s) of NOE(s): July 13, 2011

Violation Information

- 1. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning Facility. Specifically, the previous registration expired on December 31, 2006 and was not renewed at the time of the investigation [30 Tex. Admin. Code § 337.11(e) and Tex. Health & Safety Code § 374.102].
- 2. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, the Respondent did not have secondary containment around the solvent and waste storage areas [30 Tex. Admin. Code § 337.20(e)(3)(A)].
- 3. Failed to maintain weekly inspection logs of each secondary containment structure at the Facility to ensure that it has not been damaged. Specifically, the Respondent did not maintain inspection logs of the dry cleaning machine's secondary containment [30 Tex. ADMIN. CODE § 337.20(e)(6)(B)].
- 4. Failed to maintain required documentation of dry cleaning solvent purchases [30 Tex. Admin. Code § 337.72(1)].
- 5. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or off-site. Specifically, the Respondent did not document the quantity of hazardous waste generated at the Facility [30 Tex. ADMIN. CODE § 335.9(a)(1)(B)].
- 6. Failed to submit a complete Affected Property Assessment Report ("APAR") in a manner which is timely and complies with a schedule established by the Executive Director. Specifically, the Respondent submitted an APAR on May 30, 2002, and has failed to respond to requests for additional information needed to complete the APAR [30 Tex. ADMIN. Code § 350.51(a)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 8, 2011, the Respondent submitted documentation certifying that a valid dry cleaning registration has been obtained for the Facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Install secondary containment structures around the solvent and waste storage areas at the Facility;
- ii. Begin conducting weekly inspections for each secondary containment structure and maintain a log of the inspections at the Facility;
- iii. Begin retaining the required information for the dry cleaning solvent purchases at the Facility; and
- iv. Begin maintaining a record of the quantity of hazardous waste generated at the Facility.
- b. Within 45 days:
- i. Submit all information previously requested by the TCEQ concerning the APAR initially submitted on May 30, 2002;
- ii. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the APAR within 30 days after the date of such requests or by any other deadline specified in writing; and
- c. Within 60 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 42142 Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners RN101055317 Docket No. 2011-1285-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division,

Enforcement Team 7, MC R-12, (713) 767-3682; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412.

TCEQ SEP Coordinator: N/A

Respondent: Thu M. Ngo, Manager, Enterprise Cleaners, 203 Hidden Oak Lane,

Friendswood, Texas 77546

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 **Assigned** Screening 25-Jul-2011 25-Aug-2011 PCW **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners Reg. Ent. Ref. No. RN101055317 Major/Minor Source Minor Facility/Site Region 12-Houston **CASE INFORMATION** Enf./Case ID No. 42142 No. of Violations 3 Docket No. 2011-1285-MLM-E Order Type 1660 Media Program(s) Dry Cleaner Government/Non-Profit No Enf. Coordinator Danielle Porras Multi-Media Industrial and Hazardous Waste EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum Maximum \$5,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$4,750 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$0 0.0% Enhancement Subtotals 2, 3, & Notes No adjustment for compliance history 0.0% Enhancement Subtotal 4 \$0 Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts *Capped at the Total EB \$ Amount \$161 Approx. Cost of Compliance \$4,750 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only, e.g. 20 for 20% reduction.,

Final Penalty Amount

Final Assessed Penalty

Adiustment

Reduction

20.0%

Deferral offered for expedited settlement.

\$4,750

\$4,750

-\$950

\$3,800

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 25-Jul-2011

Docket No. 2011-1285-MLM-E

Respondent Thu Phoung Enterprise Cleaners Incorporated dba

Case ID No. 42142

Reg. Ent. Reference No. RN101055317

Media [Statute] Dry Cleaner Enf. Coordinator Danielle Porras

Component	Number of	Enter Num	<u>ber Here</u>	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0		0%
	Other written NOVs	0		0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%
Auurus	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
		ase Enter Y	es or No	<u> </u>
	Environmental management systems in place for one year or more	No)	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No)	0%
	Participation in a voluntary pollution reduction program	No)	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No)	0%
	Adjustment Per	centage	(Sub	total 2
eat Violator ((Subtotal 3)			
No	Adjustment Per	centage	: (Sub	total 3)
npliance Histo	ory Person Classification (Subtotal 7)			
Average Po	Adjustment Per	centage	(Sub	total 7)
npliance Histo	ory Summary			
Compliance History Notes	No adjustment for compliance history.			

Screening Date Respondent	25-Jul-2011 Docket No. 2011-1285-MLM-E Thu Phoung Enterprise Cleaners Incorporated dba Enterprise C	Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number	42142 RN101055317 Dry Cleaner Danielle Porras	PCW Revision October 30, 2008
Rule Cite(s)	30 Tex. Admin. Code § 337,20(e)(3)(A)	
Violation Description	Failed to install a dike or other secondary containment structure around cleaning unit and around each storage area for dry cleaning solvents, dry waste, or dry cleaning wastewater. Specifically, the Respondent did no secondary containment around the solvent and waste storage area	cleaning t have
uninssaniers.	Base	Penalty \$5,000
>> Environmental, Prope	rty and Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actua Potentia		
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0%	
and the second s	or the environment will or could be exposed to pollutants which would excern rotective of human health or environmental receptors as a result of the viol	7 D 4 4 4 CO 00 10 10 1 1 1 1 1
<u> </u>	Adjustment	\$3,750
		\$1,250
Violation Events		
	Violation Events 3 77 Number of violation o	lays
mark only one with an x	daily weekly monthly quarterly semiannual annual single event	
Three month	ly events are recommended from the May 9, 2011 investigation date to the 2011 screening date.	July 25,
Good Faith Efforts to Com	0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
The state of the s	Extraordinary	***************************************
	Ordinary (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
100	Violation 9	Subtotal \$3,750
Economic Benefit (EB) for	this violation Statutory Limit	Test
Estimat	ed EB Amount \$152 Violation Final Penal	ty Total \$3,750
	This violation Final Assessed Penalty (adjusted fo	r limits) \$3,750

Resnandent		conomic					
	-	nterprise Cleaners	Incorporated of	lba Ent	erprise Cleaners		
Case ID No.	42142						
tea. Ent. Reference No.	RN101055317 Dry Cleaner	•					Years of
						Percent Interest	Depreciation
Violation No.	1						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs,							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,500	9-May-2011	21-Mar-2012	0.87	\$7	\$145	\$152
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a , l	\$0
Notes for DELAYED costs	cleaning solvi	ents. The Date Re	equired is the in	vestiga compli	tion date and the ance.	re around the storage Final Date is the est for one-time avoic	imated date of
Avoided Costs Disposal	ANNOAL	Trr [1] avoided	costs perure	0.00	\$0	\$0	\$0
Personnel	-			0.00	\$0 \$0	\$0 \$0	\$0 \$0
rersonner ispection/Reporting/Sampling		 		0.00		\$0 \$0	\$0 \$0
Supplies/equipment				0.00	\$0	\$0	<u>\$0</u>
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		1		0.00	\$0	\$0	\$0
Other (as needed)				0.00	<u>*0</u>	\$0	\$0
Notes for AVOIDED costs							

	ening Date			k et No. 2011-1285-MLM-E		PCW
			prise Cleaners Incorporate	ed dba Enterprise C	Policy Revision 2 (
Reg. Ent. Re	Case ID No.				PCW Revision	October 30, 2008
	a [Statute]					
		Danielle Porras				
	ation Number	Taxable Control of the Control of th				
	Rule Cite(s)		30 Tex. Admin. Code	§ 337.20(e)(6)(B)		
				f each secondary containmer		
Violatio	n Description			n damaged. Specifically, the dry cleaning machine's seco		
		uiù riot mani	containn		Andary	
					as Donathi	¢5.000
				ba	se Penalty	\$5,000
>> Environme	ntal, Propei	ty and Human	n Health Matrix			
			Harm			
OR	Release		Moderate Minor			
UK	Actual Potential			Percent 0%	J	
	. 0.0.,	L.			<u>-</u>	
>>Programma	tic Matrix					
	Falsification		Moderate Minor	-	7	
	<u> </u>	<u> </u>		Percent 10%	의	
Matrix		100%	6 of the rule requirement v	was not met.		
Notes						
	L.				B	
				Adjustment	\$4,500	
					F	\$500
					<u> </u>	4500
Violation Even	ts					
					- 4	
	Number of	Violation Events		77 Number of violation	n days	
		daily				
		weekly				
		monthly			•	
	mark only one with an x	quarterly		Violation Ba	se Penalty	\$500
	***************************************	semiannual				
		annual				
		single event	x			
	III Seminaria					
	One single evi	ent is recommended	d based on documentation investigation.	of the violation during the N	1ay 9, 2011	
			nive sugation.			
			a aa, ta			\$0
Good Faith Eff	orts to Com		0.0% Reduction Before NOV NOV to EDPRP/Se	ttlement Offer		\$ 0
		Extraordinary	Before NOV NOV to EDITATISE	The state of the s		
		Ordinary				
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		Notes		eet the good faith criteria for olation.		
			uns Vic	o,oudit.	_	
					- 0	+F00
				Violatio	n Subtotal	\$500
Economic Beni	ofit (FR) for	this violation		Statutory Lim	t Test	
Economic Delli				Aretator I Emi		
	Estimat	ed EB Amount	\$4	Violation Final Per	nalty Total	\$500
			This violation Final Ac	sessed Penalty (adjusted	for limits)	\$500
			s violation Fillal AS	sessed i charry (aujusteu		4500
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Respondent	Thu Phoung Er	nterprise Cleaners	s Incorporated o	lba Ent	erprise Cleaners		
Case ID No.	42142						
ea. Ent. Reference No.	RN101055317						
	Dry Cleaner					Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
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Delayed Costs					,	,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Equipment				0.00	\$0	\$0	<u>\$0</u>
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	9-May-2011	21-Mar-2012	0.87	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	Estimated co	st to maintain ins	spection records	0.00	\$0 \$0		\$0 \$0
Other (as needed) Notes for DELAYED costs			Date is the est	0.00 . The E imated	\$0 \$0 Date Required is the	n/a n/a n/a ne investigation date ne.	\$0 \$0 and the Final
Other (as needed) Notes for DELAYED costs Avoided Costs			Date is the est	0.00 The Dimated	\$0 \$0 Date Required is the date of compliance on item (except	n/a n/a e investigation date te. for one-time avoid	\$0 \$0 and the Final
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal			Date is the est	0.00 The Eimated	\$0 \$0 Date Required is the date of compliance of item (except \$0	n/a n/a n/a e investigation date ce. for one-time avoid	\$0 \$0 and the Final ded costs)
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling			Date is the est	0.00 The Cimated enterin 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ing item (except \$0 \$0 \$0	n/a n/a n/a ne investigation date te. for one-time avoid \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment			Date is the est	0.00 The Eimated o.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ing item (except \$0 \$0 \$0 \$0	n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is the est	0.00 The Edimated o.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0	n/a n/a n/a se investigation date e. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the est	0.00 The Edimated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is the est	0.00 The Edimated o.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0	n/a n/a n/a se investigation date e. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the est	0.00 The Edimated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 • and the Final ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the est	0.00 The Edimated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 • and the Final ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is the est	0.00 The Edimated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is the est	0.00 The Edimated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 • and the Final ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is the est	0.00 The Edimated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 Date Required is the date of compliance ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a ne investigation date ce. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final ded costs) \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2011-1285-MLM-E	PCW
	Thu Phoung Enterprise Cleaners Inco	rporated dba Enterprise C	Policy Revision 2 (September 2002)
Case ID No.			PCW Revision October 30, 2008
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violation Number	3		Maria
Rule Cite(s)			
	30 lex Adr	nin. Code § 337.72(1)	
Violation Description	Failed to maintain required docum	nentation of dry cleaning solvent pure	chases.
		Pac	e Penalty \$5,000
		Das	e Pellaity \$5,000
>> Environmental, Proper	ty and Human Health Matrix	•	
	Harm		-
Release	Major Moderate Mino	or	***************************************
OR Actual Potential		Percent 0%	-
1 occinati			
>>Programmatic Matrix			
Falsification	Major Moderate Mind		7.
		Percent 10%	1000
Matrix	100% of the rule require	ement was not met.	
Notes			
	<u>assunut XXXII is assistanti ili assistanti ili assistanti ili assistanti ili assistanti ili assistanti ili as</u>		
		Adjustment	\$4,500
			\$500
Violation Events			
Number of 1	iolation Events 1	77 Number of violation	days
Number of	Totation Events 1	Nomber of Violation	udys
	daily		
-	weekly		
mark only one	monthly	Walnting Boo	- BIt
with an x	quarterly semiannual	Violation Base	e Penalty \$500
-000	annual		-
O PORTO PERO PERO PERO PERO PERO PERO PERO PER	single event x		WWW.
One single eve	nt is recommended based on docume	entation of the violation during the Ma	y 9, 2011
	investiga	tion.	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			<u> </u>
Good Faith Efforts to Com			\$0
***************************************		DPRP/Settlement Offer	инин
	Extraordinary Coding and Coding a		THE PROPERTY OF THE PROPERTY O
	Ordinary (mark wi	th ×)	ини
***************************************			***************************************
	The Respondent does	not meet the good faith criteria for	
		this violation.	
	- And Control of the	37: -1	C., btotal deno
water		Violation	Subtotal \$500
Economic Benefit (EB) for	this violation	Statutory Limit	Test
Estimat	ed EB Amount	\$4 Violation Final Pena	alty Total \$500
	This violation Fi	nal Assessed Penalty (adjusted fo	or limits) \$500

		conomic					
	_	nterprise Cleaner	s incorporated (oba Ente	erprise Cleaners		
Case ID No.							
ea. Ent. Reference No.							
	Dry Cleaner					Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Rem Description	NO COMMINAS OF \$						
Delayed Costs		· · · · · · · · · · · · · · · · · · ·		0.00	\$0	\$0	\$0
Equipment Buildings			 	0.00	\$0 \$0	\$0 \$0	
Other (as needed)		 		0.00	\$0 \$0	\$0 \$0	\$0
Engineering/construction		Name of the Control of		0.00	\$0 \$0	\$0	\$0
Land				0.00	\$0	n/a	<u>\$0</u>
Record Keeping System	\$100	9-May-2011	21-Mar-2012	0.87	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	Estimated cos	st to retain involce	cs of dry cleanin	0.00 0.00 g solve	\$0	n/a n/a Date Required is th	\$0
Other (as needed) Notes for DELAYED costs		date an	d the Final Date	<u>l 0.00 l</u> g solve is the e	\$0 nt purchases. The estimated date of	n/a Date Required is the compliance.	\$0 se investigation
Other (as needed) Notes for DELAYED costs Avoided Costs		date an	d the Final Date	0.00 l g solve is the e	\$0 nt purchases. The estimated date of ig item (except i	n/a Date Required is the compliance. For one-time avoice.	\$0 se investigation led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		date an	d the Final Date	g solver is the e	\$0 nt purchases. The estimated date of ig item (except i	n/a Date Required is the compliance. For one-time avoice \$0	\$0 se investigation selection select
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		date an	d the Final Date	g solver is the enterin	\$0 nt purchases. The estimated date of ig item (except 1 \$0 \$0	n/a Date Required is the compliance. For one-time avoid \$0 \$0	\$0 se investigation sed costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling		date an	d the Final Date	g solver is the e enterin 0.00 0.00	\$0 nt purchases. The estimated date of ig item (except if \$0 \$0 \$0 \$0	n/a Date Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 ie investigation fed costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment		date an	d the Final Date	g solver is the e	\$0 nt purchases. The estimated date of gitem (except \$0	n/a Date Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ie investigation led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date an	d the Final Date	g solver is the enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 nt purchases. The estimated date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a Date Required is the compliance. for one-time avoidence so	\$0 ie investigation ied costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date an	d the Final Date	g solver is the e	\$0 nt purchases. The estimated date of gitem (except \$0	n/a Date Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ie investigation led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date an	d the Final Date	g solver is the e	\$0 nt purchases. The estimated date of solutions in the state of solutions in the solution	n/a Date Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 te investigation fled costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date an	d the Final Date	g solver is the e	\$0 nt purchases. The estimated date of solutions in the state of solutions in the solution	n/a Date Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 te investigation fled costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date an	d the Final Date	g solver is the e	\$0 nt purchases. The estimated date of solutions in the state of solutions in the solution	n/a Date Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 te investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 18-Jul-2011 Screening 25-Jul-2011 PCW 9-Apr-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners Reg. Ent. Ref. No. RN101055317 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION No. of Violations 1 Enf./Case ID No. 42142 Order Type 1660 Docket No. 2011-1285-MLM-E Media Program(s) Dry Cleaner Government/Non-Profit No Multi-Media Industrial and Hazardous Waste Enf. Coordinator Danielle Porras EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum Maximum **Violation Maximum** \$5,000 \$0 \$50 Penalty Calculation Section \$8,335 TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2, 3, & 7 \$0 **Compliance History** 0.0% Enhancement No adjustment for compliance history. Notes 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$833 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 *Capped at the Total EB \$ Amount Total EB Amounts \$230 Approx. Cost of Compliance \$7,502 SUM OF SUBTOTALS 1-7 OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 0.0% Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$7,502 \$5,000 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$1,000 20.0% Reduction Adjustment

Deferral offered for expedited settlement.

\$4,000

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction

Notes

PAYABLE PENALTY

Docket No. 2011-1285-MLM-E

PCW

Respondent Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners

Case ID No. 42142

Reg. Ent. Reference No. RN101055317 Media [Statute] Dry Cleaner

Enf. Coordinator Danielle Porras

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)

	Written notices of violation ("NOVs") with same or similar violations as those in		e Adjust.
NOVs	the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
9	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sul	ototal 2)
eat Violator (Subtotal 3)		
No	Adjustment Per	centage (Sub	ototal 3)
npliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	Adjustment Per	centage (Sub	ototal 7)
npliance Histo	ory Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Adjustment Percentage (S	Subtotals 2	3 & 7)

PCW ion 2 (September 2002) vision October 30, 2008	Case ID No. 42142 Reg. Ent. Reference No. RN101055317 Media [Statute] Dry Cleaner Enf. Coordinator Danielle Porras
	Violation Number Rule Cite(s) 30 Tex. Admin. Code § 337.11(e) and Tex. Health & Safety Code § 374.102 Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning Facility. Specifically, the previous
\$50	Violation Description registration expired on December 31, 2006 and was not renewed at the time of the investigation. Base Penalty
	>> Environmental, Property and Human Health Matrix Release Major Moderate Minor
\$5	Matrix Notes 100% of the rule requirement was not met. Adjustment \$45
**************************************	Violation Events
\$8,335	Number of Violation Events 1667
	One Thousand Six Hundred Sixty-Seven daily events are recommended from the December 31, 2006 expiration date to the July 25, 2011 screening date.
\$833	Good Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A
\$7,502	Violation Subtotal
\$7,502	Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$230 Violation Final Penalty Total
\$5,000	This violation Final Assessed Penalty (adjusted for limits)

	RN101055317 Dry Cleaner					Percent Interest	Years of Depreciation
Violation No.	1					5.0	Depreciaciói 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	·					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	
Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	\$1,000	31-Dec-2006	9-Aug-2011	4.61		n/a	\$0 \$230
Notes for DELAYED costs						ete is the date of co	
Avoided Costs	ANNUAL	ZE [1] avoided	costs before	enterii 0.00		for one-time avoid	s0
Dienocal	lead the first time of the contract to			0.00	\$0	\$0	
Disposal Personnel							\$0
Personnel				-		\$0	<u>\$0</u> \$0
Personnel pection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0 \$0 \$0
Personnel pection/Reporting/Sampling Supplies/equipment				-			\$0
Personnel pection/Reporting/Sampling				0.00	\$0 \$0	\$0	\$0 \$0
Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 18-Jul-2011 Screening 25-Jul-2011 PCW 25-Aug-2011 **EPA** Due RESPONDENT/FACILITY INFORMATION Respondent Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners Reg. Ent. Ref. No. RN101055317 Facility/Site Region 12-Houston Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 42142 Docket No. 2011-1285-MLM-E No. of Violations 2 Order Type 1660 Media Program(s) Industrial and Hazardous Waste Government/Non-Profit No Multi-Media Dry Cleaner Enf. Coordinator Danielle Porras EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$93,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 Subtotals 2, 3, & 7 **Compliance History** 0.0% Enhancement Notes No adjustment for compliance history. 0.0% Enhancement Subtotal 4 \$0 Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 0.0% Enhancement* Subtotal 6 **Economic Benefit** Total EB Amounts \$7,303 \$15,200 *Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$93,500 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

\$93,500

\$93,500

-\$18,700

\$74,800

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g., 20 for 20% reduction.)

Deferral offered for expedited settlement.

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 25-Jul-2011

Docket No. 2011-1285-MLM-E

Respondent Thu Phoung Enterprise Cleaners Incorporated dba

Case ID No. 42142

Reg. Ent. Reference No. RN101055317

Media [Statute] Industrial and Hazardous Waste

Component	ry <i>Sit</i> e Enhancement (Subtotal 2) Number of	Enter Numb	er Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0		0%
	Other written NOVs	0		0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
(*************************************		ease Enter Ye	s or No	1
	Environmental management systems in place for one year or more	No		0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%
	Participation in a voluntary pollution reduction program	No		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%
	Adjustment Per	centage	(Sub	total 2)
eat Violator (Subtotal 3)			
No	Adjustment Per	centage	(Sub	total 3)
npliance Histo	ory Person Classification (Subtotal 7)			
		contra-	/CL	total 7
Average Pe		centage	(SUD	iUldi /)
npliance Histo	ory Summary			
Compliance History Notes	No adjustment for compliance history.			

Screening Date Respondent Case ID No. Reg. Ent. Reference No.	Thu Phoung Enterprise Cleaners Incorporated dba Enterprise C Po 42142	Icy Revision 2 (September 2002) PCW Revision October 30, 2008
	Industrial and Hazardous Waste	
Rule Cite(s)	30 Tex. Admin. Code § 335.9(a)(1)(B)	
Violation Description	Failed to keep records of all hazardous and industrial solid waste activiti regarding the quantities generated, stored, processed, and disposed of on-off-site. Specifically, the Respondent did not document the quantity of haza waste generated at the Facility.	site or
	Base P	enalty \$10,000
	ty and Human Health Matrix Harm	
Release OR Actual	Major Moderate Minor	***************************************
Potential	Percent 0%	
Falsification	Major Moderate Minor x Percent 10%	
		1000 C C C C C C C C C C C C C C C C C C
Matrix Notes	100% of the rule requirement was not met.	William Market
-	Adjustment	\$9,000
		\$1,000
Violation Events		
Number of V	iolation Events 1 Number of violation day	s
mark only one with an x	daily weekly monthly quarterly semiannual annual single event x	enalty \$1,000
One single eve	nt is recommended based on documentation of the violation during the May 9 investigation.	, 2011
Good Faith Efforts to Comp	0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
	Extraordinary Ordinary Coart with x	
	N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation.	
THE STATE OF THE S	Violation Su	btotal \$1,000
Economic Benefit (EB) for	this violation Statutory Limit Te	st
Estimate	d EB Amount \$9 Violation Final Penalty	
	This violation Final Assessed Penalty (adjusted for l	imits) \$1,000

	E	conomic	Benefit	Wo	rksheet		
Respondent		nterprise Cleaner					
Case ID No.	42142						
lea. Ent. Reference No.	RN101055317						
		Hazardous Waste	2				Years of
Violation No.						Percent Interest	Depreciation
violation No.	1					5.0	15

		Date Required	Final Date	Yrs	Interest Saveo	Onetime Costs	EB Amount
Item Description	No commas or \$						

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		ļ		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		9-May-2011	21-Mar-2012	0.00 0.87	\$0 \$9	n/a n/a	\$0 \$9
Record Keeping System	\$200	9-May-2011	21-MaL-5015	0.00	\$9 \$0	n/a	\$9 \$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a	\$0 \$0
Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)				0.00	\$0 \$0	n/a	\$0
Notes for DELAYED costs	Estimated c				zardous waste qua is the estimated d	ntities. The Date Riate of compliance.	equired is the
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enteri	ng item (except	for one-time avoid	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling		J		0.00	\$0	\$0	\$0
Supplies/equipment		<u> </u>		0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	<u>\$0</u>
ONE-TIME avoided costs [3]				0.00	\$0	\$0	<u>\$0</u>
Other (as needed)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$200			TOTAL		\$9

Screening Date		PCW
Respondent Case ID No.		licy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.		
	Industrial and Hazardous Waste	
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 350.51(a)	germania de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la c
	50 Tex. Numini. Code § 550.51(a)	CALADAGA AND CONTROL
Violation Description	Failed to submit a complete Affected Property Assessment Report ("APAR") manner which is timely and complies with a schedule established by the Exe Director. Specifically, the Respondent submitted an APAR on May 30, 2002, a failed to respond to requests for additional information needed to complete APAR.	cutive nd has
	Base P	enalty \$10,000
>> Environmental Proper	ty and Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
Potential	X Percent 25%	
>> Programmatic Matrix Falsification	Major Moderate Minor	
	Percent 0%	
ſ		
Matrix Human health Notes that are p	or the environment will or could be exposed to pollutants which would exceed rotective of human health or environmental receptors as a result of the violatic	levels
Notes that are p	racease of number needed of cital of mental receptors do octobate of the	
	Adjustment	\$7,500
	-	\$2,500
		737333
Violation Events		
Number of V	Violation Events 37 3310 Number of violation day	S
:		***************************************
	daily weekly	
mark only one	monthly Islands visit William Research	enalty \$92,500
with an x	quarterly x Violation Base Posemiannual Violation Base Posemiannual	snaity \$92,500
	annual IIIIIIIIIIIIIII	
	single event	
	quarterly events are recommended from the first documented request for inform	mation
Inity-Seven	on July 2, 2002 to the July 25, 2011 screening date.	Hockorn .
Good Faith Efforts to Com		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation Su	btotal \$92,500
Economic Benefit (EB) for	this violation Statutory Limit Te	est
Estimat	ed EB Amount \$7,295 Violation Final Penalty	Total \$92,500
	This violation Final Assessed Penalty (adjusted for I	imits) \$92,500

Case ID No.	Thu Phoung E 42142	CONOMIC nterprise Cleaners		9000000000000			
eg. Ent. Reference No. Media Violation No.	Industrial and	Hazardous Waste				Percent Interest	Years of Depreciation
Violation No.	2					5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$15,000	2-Jul-2002	21-Mar-2012	9.73	\$7,295	n/a	\$7,295
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		J		0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs Disposal	Respon	ident for additiona	l information ar	d the I	Final Date is the es ng item (except \$0	ne first date the TCE stimated date of con for one-time avoid \$0	npliance.
•		. 🛮 : 3 : 5 : 5 : 5 : 5 : 7 : 5 : 5 : 5 : 6 : 6 : 6 : 6 : 6 : 6 : 6			\$0	\$0	
Personnel					+0	#A 1	
Personnel ection/Reporting/Sampling				0.00	\$0 #0	\$0 ¢0	\$0
Personnel pection/Reporting/Sampling Supplies/equipment				0.00	\$0	\$0	\$0 \$0
Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Personnel pection/Reporting/Sampling Supplies/equipment				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0



Compliance History CN600614358 Thu Phoung Enterprise Cleaners Customer/Respondent/Owner-Operator: Classification:Average Incorporated RN101055317 Classification: Average By Regulated Entity: **Enterprise Cleaners** Default DRY CLEANERS REGISTRATION **INTERNAL** ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE **ID NUMBER** INDUSTRIAL AND HAZARDOUS WASTE **EPA ID** 2201 W MAIN ST, LEAGUE CITY, TX, 77573 Location: **REGION 12 - HOUSTON** TCEQ Region: Date Compliance History Prepared: August 03, 2011 Agency Decision Requiring Compliance History: Enforcement Compliance Period: August 03, 2006 to August 03, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (713) 767-3682 Name: Danielle Porras Phone: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes No 2. Has there been a (known) change in ownership/operator of the site during the compliance period? 3. If Yes, who is the current owner/operator? N/A 4. If Yes, who was/were the prior owner(s)/operator(s)? N/A 5. When did the change(s) in owner or operator occur? N/A Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. B. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 7/13/2011 (919696)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A Environmental audits. F. N/A Type of environmental management systems (EMSs). G.

Rating: 3.01

101055317

F2094

Site Rating: 3.01

TXR000080338

N/

Н

Participation in a voluntary pollution reduction program.

Voluntary on-site compliance assessment dates.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
THU PHOUNG ENTERPRISE	§	TEXAS COMMISSION ON
CLEANERS INCORPORATED	§	
DBA ENTERPRISE CLEANERS	§	
RN101055317	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1285-MLM-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners ("the Respondent") under the authority of Tex. Health & Safety Code chs. 361 and 374 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a dry cleaning facility at 2201 West Main Street in League City, Galveston County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in Tex. Health & Safety Code ch. 361. The TCEQ has general authority concerning the Respondent pursuant to Tex. Health & Safety Code § 374.051.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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6. An administrative penalty in the amount of One Hundred Three Thousand Two Hundred Fifty Dollars (\$103,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Ninety-One Thousand Five Hundred Fifty Dollars (\$91,550) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid Three Hundred Twenty-Five Dollars (\$325) of the undeferred administrative penalty. The remaining amount of Eleven Thousand Three Hundred Seventy-Five Dollars (\$11,375) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Twenty-Five Dollars (\$325) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that on August 8, 2011, the Respondent submitted documentation certifying that a valid dry cleaning registration has been obtained for the Facility.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning Facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on May 9, 2011. Specifically, the previous registration expired on December 31, 2006 and was not renewed at the time of the investigation.
- 2. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, in violation of 30 Tex. Admin. Code § 337.20(e)(3)(A), as documented during an investigation conducted on May 9, 2011. Specifically, the Respondent did not have secondary containment around the solvent and waste storage areas.
- 3. Failed to maintain weekly inspection logs of each secondary containment structure at the Facility to ensure that it has not been damaged, in violation of 30 Tex. ADMIN. CODE § 337.20(e)(6)(B), as documented during an investigation conducted on May 9, 2011. Specifically, the Respondent did not maintain inspection logs of the dry cleaning machine's secondary containment.
- 4. Failed to maintain required documentation of dry cleaning solvent purchases, in violation of 30 Tex. Admin. Code § 337.72(1), as documented during an investigation conducted on May 9, 2011.
- 5. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or off-site, in violation of 30 Tex. Admin. Code § 335.9(a)(1)(B), as documented during an investigation conducted on May 9, 2011. Specifically, the Respondent did not document the quantity of hazardous waste generated at the Facility.
- 6. Failed to submit a complete Affected Property Assessment Report ("APAR") in a manner which is timely and complies with a schedule established by the Executive Director, in violation of 30 Tex. Admin. Code § 350.51(a), as documented during an investigation conducted on May 9, 2011. Specifically, the Respondent submitted an APAR on May 30, 2002, and has failed to respond to requests for additional information needed to complete the APAR.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners, Docket No. 2011-1285-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Install secondary containment structures around the solvent and waste storage areas at the Facility, in accordance with 30 TEX. ADMIN. CODE § 337.20;
 - ii. Begin conducting weekly inspections for each secondary containment structure and maintain a log of the inspections at the Facility, in accordance with 30 Tex. ADMIN. CODE § 337.20;
 - iii. Begin retaining the required information for the dry cleaning solvent purchases at the Facility, in accordance with 30 Tex. ADMIN. CODE § 337.72; and
 - iv. Begin maintaining a record of the quantity of hazardous waste generated at the Facility.
 - b. Within 45 days after the effective date of this Agreed Order:
 - i. Submit all information previously requested by the TCEQ concerning the APAR initially submitted on May 30, 2002 to:

Environmental Cleanup Section Remediation Division MC 137 or 221 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners DOCKET NO. 2011-1285-MLM-E Page 5

- ii. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the APAR within 30 days after the date of such requests or by any other deadline specified in writing; and
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

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written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	7(27),2 Date
I, the undersigned, have read and understand the attagree to the attached Agreed Order on behalf of the edo agree to the terms and conditions specified therein. accepting payment for the penalty amount, is materially	ntity indicated below my signature, and I I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the O and/or failure to timely pay the penalty amount, may react the Analysis of An egative impact on compliance history; Greater scrutiny of any permit applications substrated the Attorney General additional penalties, and/or attorney fees, or to Increased penalties in any future enforcement a Automatic referral to the Attorney General's O and TCEQ seeking other relief as authorized by law. In addition, any falsification of any compliance documents. 	esult in: mitted; 's Office for contempt, injunctive relief, a collection agency; ctions; Office of any future enforcement actions;
Munc Signature	<u>4/12/19</u> Date
THU NGO Name (Printed or typed) Authorized Representative of Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners	Title erprise Cleaners

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.